

invested until the security is given, or the court, on application, shall order it paid to the person entitled. (f) After revocation of letters the person erroneously supposed to be dead may, on suggestion filed of record of the proper fact, be substituted as plaintiff in all actions brought by the executor or administrator, at any stage of proceedings, before or after judgment. He may, in actions previously brought against such representative, be substituted as defendant, upon like suggestion by himself or the plaintiff, and shall be then entitled to a reasonable time in which to prepare for trial. Judgments recovered against the executor or administrator may be opened on application of the supposed decedent made within three months from the date of revocation, supported by affidavit, specifically denying the alleged indebtedness or cause of action; otherwise such judgments shall have the conclusive effect of ordinary judgments. After substitution of the supposed decedent as defendant in any case of judgment as aforesaid, it shall become a lien upon his property in the same manner as other judgments. (g) Costs incident to the grant of letters hereunder shall be paid out of the estate of the supposed decedent, and where the application is denied, they shall be paid by the applicant.

Power of the orphans' court.

The orphans' court has power under this section and section 236 to determine the question of the ademption of a legacy; and also questions of advancement, and of what are assets, and who are legatees and next of kin, and what is given them by will: some of which questions necessarily involve a construction of the will. *Gallagher v. Martin*, 102 Md. 118; *Wilson v. McCarty*, 55 Md. 283; *Pole v. Simmons*, 45 Md. 249; *Belt v. Blackburn*, 28 Md. 243; *Blackburn v. Craufurd*, 22 Md. 465; *Kennaday v. Sinnott*, 179 U. S. 614. Cf. *Ramsey v. Welby*, 63 Md. 588; *State v. Warren*, 28 Md. 356.

An application for letters is one over which the orphans' court has full jurisdiction under this section. Prosecution for perjury. *State v. Mercer*, 101 Md. 540.

Under this section and section 137 the orphans' court has power to divide leasehold property among the parties entitled although some of them are infants. *Williams v. Holmes*, 9 Md. 287.

The orphans' court has power to determine whether a widow takes an interest in her deceased husband's estate notwithstanding a divorce *a mensa*; and if so, what interest she takes. *Hokamp v. Hagaman*, 36 Md. 518.

The powers of the orphans' court are adequate to protect the interest of those concerned in the faithful performance of the duties of an administrator; there is, therefore, no ground for the interference of equity. *Lee v. Price*, 12 Md. 256.

The orphans' court has power under this section and section 236 to entertain a petition charging that an administrator has received money for which he has failed to account, and praying for an account. *Cummings v. Robinson*, 95 Md. 87; *Muncaster v. Muncaster*, 23 Md. 288.

The orphans' court has jurisdiction under this section and section 236 where a petition prays a rescission of an order passing an administration account, and that the account be re-stated. *Stonesifer v. Shriver*, 100 Md. 28.

If an administrator is guilty of fraud, or fraudulently withholds money, this section confers jurisdiction upon the orphans' court to remove the administrator. Fraud not proven. Purpose of this section. *Jones v. Harbaugh*, 93 Md. 282; *Carey v. Reed*, 82 Md. 396.

Under this section the court has power to revoke letters and appoint a new personal representative: this is true although the administration be an ancillary one. *Dalrymple v. Gamble*, 66 Md. 305; *Raborg v. Hammond*, 2 H. & G. 42.